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ACTION ARA-15

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H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
SS-15 ICA-11 COME-00 EB-08 LABE-00 SIL-01 HA-05
SR-05 AID-05 OMB-01 TRSE-00 ACDA-12 /132 W
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P R 032122Z MAY 79
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 481
INFO AMEMBASSY ASUNCION
AMEMBASSY BONN
AMEMBASSY BRASILIA
AMEMBASSY LONDON
AMEMBASSY MEXICO
AMEMBASSY MONTEVIDEO
AMEMBASSY PARIS
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AMEMBASSY SANTIAGO
AMCONSUL SAO PAULO
AMEMBASSY THE HAGUE
USMISSION GENEVA
AMEMBASSY BRUSSELS

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s):

Declassify: () In Part (X) In Full

() Classify as () Extend as () Downgrade to

Date Declassify on Reason

[REDACTED] SECTION 1 OF 2 BUENOS AIRES 3496

USEEC

E.O. 12065: GDS 5/3/85 (FREEMAN, ANTHONY G.) OR-P
TAGS: ELAB PINS AR
SUBJECT: (U) ALL "COMMITTEE OF 25" DETAINEES REMOVED FROM
PEN. BUT SIX INDICTED; OTHER STRIKE-RELATED DEVELOPMENTS

REF: BUENOS AIRES 3397 (NOTAL)

[REDACTED] SUMMARY: TWELVE OF TWENTY-ONE MEMBERS OF THE 25-GROUP
ORIGINALLY DETAINED UNDER THE STATE-OF-SEIGE POWERS OF THE
[REDACTED]
[REDACTED]

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GOA BY VIRTURE OF DECREES 901, 905 AND 906 HAVE BEEN REMOVED
FROM PEN, BUT SIX HAVE BEEN CRIMINALLY INDICTED. THE OTHER

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SIX, EXCEPT FOR ONE SICK MAN, HAVE NOT YET BEEN RELEASED, TO OUR KNOWLEDGE. THERE ARE RUMORS OF NEW FACTORY LEVEL ARRESTS, BUT WE HAVE NO CONFIRMATION. THE GOA DECISION TO REMOVE THE 25-GROUP LEADERS FROM THE PEN STRENGTHENS ITS CASE THAT IT IS ACTING STRICTLY IN ACCORDANCE WITH ARGENTINE LAW AND JUDICIAL PROCEDURE AND MAY HAVE BEEN TAKEN IN THE FACE OF THE UPCOMING ICFTU AND ILO MEETINGS AND THE EXPRESSION OF A STATEMENT OF CONCERN ON THE PART OF THE US GOVERNMENT (WHICH THE GOA FORMALLY PROTESTED AS AN UNDUE INTERFERENCE IN ARGENTINA'S INTERNAL AFFAIRS). LABOR MINISTER FAILED TO MENTION IN HIS MAY DAY ADDRESS WHEN A NEW TRADE UNION LAW MAY BE EXPECTED TO BE PROMULGATED. END SUMMARY.

1. (U) ON APRIL 30 FEDERAL INVESTIGATION UJUDGE GILETTA ORDERED THE PREVENTIVE CUSTODY OF SIX UNION LEADERS OF THE "COMMITTEE OF 25" AFTER MAKING A PRIMA FACIE DETERMINATION THAT THEY HAD VIOLATED LAW NO. 21,400 (WHICH SUSPENDED THE CONSTITUTIONAL GUARANTEE OF THE RIGHT TO STRIKE), WHEN THEY CALLED FOR A "DAY OF PROTEST" APRIL 27, AND HE ALSO ORDERED LIENS AGAINST THEIR ASSETS OF 300,000 PESOS (ABOUT \$250 EACH. THE JUDGE'S ACTION IS TANTAMOUNT TO A CRIMINAL INDICTMENT. THE SIX UNION LEADERS ENCOMPASSED UNDER THIS ACTION AND WHO, UNTIL THE GOVERNMENT'S ACTION ANNOUNCED TODAY (SEE PARA 3 BELOW), WERE HELD UNDER BOTH "PEN" (I.E. THE EXECUTIVE BRANCH'S STATE-OF-SIEGE AUTHORITY) AND CRIMINAL CHARGES, ARE THE SAME LISTED IN PARA 9, REFTEL, I.E. ROBERTO GARCIA (TAXI UNION) ROBERTO DIGON (TOBACCO EMPLOYEES), RAUL RAVITTE (EX-RAILWAY UNION SECRETARY), ENRIQUE MICO (GARMENT UNION) DEMETRIO

[REDACTED]

[REDACTED]

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LORENZO (FOOD WORKERS), AND JOSE LUIS CASTILLO (BOAT MECHANICS)). (NOTE: "EX"-LEADER IS A REFERENCE TO THE FACT THAT THE UNION IN QUESTION IS UNDER GOVERNMENT INTERVENTION AND THE MANDATE OF THE UNION LEADER IN QUESTION HAS BEEN OFFICIALLY TERMINATED BY THE GOVERNMENT, ALTHOUGH THE INDIVIDUAL CONTINUES TO BE ACTIVE DE FACTOR).

2. THE FIRST THREE, GARCIA, DIGON AND RAVITTI ARE CHARGED UNDER THE PENAL CODE (ARTICLE 6 OF LAW NO. 21,400) FOR "PUBLICLY INSTIGATING SERIOUS MEASURES OF DIRECT ACTION" (AGAINST THE STATE), WHICH IS A MORE SERIOUS CHARGE THAN THAT LODGED AGAINST THE OTHER THREE, MICO, LORENZO AND CASTILLO,

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TECHNICALLY LEAVING THE WAY OPEN FOR THE LATTER'S POSSIBLE RELEASE ON BAIL, BUT SO FAR AS WE KNOW THE JUDGE HAS DECLINED TO AUTHORIZE BAIL AND THEY REMAIN IN JAIL. BAIL IS NOT AVAILAO THE FIRST THREE UNDER THE PENAL CODE.

3. (U) THE GOVERNMENT SPOKESMAN ANNOUNCED MAY 3 THAT THE ABOVE NAMED SIX TRADE UNION LEADERS PLUS ANOTHER SIX LEADERS OF THE COMMITTEE OF 25 UNDER DETENTION WERE REMOVED FROM "PEN" ON THE EVENING OF MAY 2. THE SECOND SIX ARE SAUL UBALDINI (BEER WORKERS), JOSE MONTANI (PRIVATE PETROLEUM WORKERS), JUAN CARLOS CRESPI (A STATE PETROLEUM DE FACTOR REPRESENTATIVE IN THE 25-GROUP), GERONIMO IZZETTA (PROVINCIAL MUNICIPAL EMPLOYEES), ANTONIO MARCHESE (SHOE WORKERS), AND JOSE RODRIGUEZ ("EX"-SMATA AUTO WORKERS HEAD). THESE SIX LEADERS REMAIN UNDER JUDICIAL INVESTIGATION, PENDING A DETERMINATION WHETHER OR NOT THEY ARE INDICTABLE. ALL OF THEM, WE BELIEVE, REMAIN IN JAIL WITH THE EXCEPTION OF MUNICIPAL UNION LEADER IZZETTA, WHO IS IN ILL HEALTH AND WAS ORDERED TRANSFERRED TO A PRIVATE CLINIC, WHERE HE CONTINUES UNDER POLICE GUARD AND AT THE DISPOSITION OF THE INVESTIGATING JUDGE, BUT PRESUMABLY HAVING BEEN REMOVED FROM PEN, THE WAY IS OPEN FOR THEM TO TETURN TO THEIR HOMES, PENDING THE JUDGE'S DETERMINATION.

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AMEMBASSY ROME
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AMCONSUL SAO PAULO
AMEMBASSY THE HAGUE
USMISSION GENEVA
AMEMBASSY BRUSSELS

[REDACTED] SECTION 2 OF 2 BUENOS AIRES 3496

USEEC

4. (U) THE ATTORNEY FOR THE SIX UNION LEADERS LISTED IN PARA 1 HAS APPEALED ON THEIR BEHALF TO AN APPELLATE COURT TO OVERTURN THE PREVENTIVE DETENTION ORDER.

5. (U) ON MAY 2 EX-TRUCKING UNION LEADER AND 25-GROUP MEMBER RICARDO PEREZ, WHO WAS IN GERMANY DURING THE ONE-DAY STRIKE, RESPONDED TO A JUDICIAL CITATION AND APPEARED BEFORE JUDGE GILETTA.

[REDACTED]

[REDACTED]

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6. [REDACTED] THERE ARE NO FURTHER REPORTS IN THE PRESS CONCERNING THE STATUS OF THE ARRESTED SMATA AUTO UNION ACTIVISTS REPORTED REFTTEL. THE JUDICIAL INVESTIGATION IN CORDOBA, WHERE ANOTHER ARREST WAS REPORTED YESTERDAY, IS CONTINUING. THERE ARE RUMORS THAT A LARGE NUMBER OF LEGAL ARRESTS HAVE BEEN MADE OF PLANT LEVEL ACTIVISTS PRESUMABLY INVOLVED IN LAST WEEK'S STRIKE, BUT WE HAVE NOT BEEN ABLE TO CONFIRM THIS.

7. (U) THE PRESS ALSO REPORTS THAT THE MILITARY AUTHORITIES IN CHARGE OF THE INTERVENED NATIONAL LABOR CENTRAL (CGT HAVE SENT QUESTIONNAIRES TO A NUMBER OF UNIONS INQUIRING ABOUT THE NORMAL EXPIRY DATE OF UNION LEADERS' TERMS OF OFFICE ANDIR POSSIBLE DEGREE OF RESPONSIBILITY IN THE APRIL 27 STRIKE, WHICH IS PROMPTING SPECULATION THAT THE GOVERNMENT IS PREPARING TO INTERVENE MORE NATIONAL UNIONS OR PERHAPS TO DENY RENEWAL OF TRADE UNION MANDATES (WHEN THEIR DATES FALL DUE) OF 25-GROUP LEADERS INVOLVED IN THE STRIKE CALL.

8. (U) IN A BRIEF, INNOCUOUS MAY DAY ADDRESS, THE LABOR MINISTER, GENERAL RESTON, STATED THAT A PROCESS OF GRADUAL NORMALIZATION OF TRADE UNION ACTIVITIES ALREADY UNDERWAY WOULD CONTINUE AND THAT THE TRADE UNION MOVEMENT, "STRENGTHENED (BUT) ADJUSTED TO SPECIFIC (LEGITIMATE) ENDS, WOULD NOT BE REMOVED FROM THE NATIONAL SCENE." HE MADE NO REFERENCE WHATSOEVER TO THE PROPOSED TRADE UNION REFORM BILL, OR WHEN IT WOULD

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BE PROMULGATED.

9. IT SHOULD BE NOTED THAT THE THREE LEADERS BEING HELD UNDER ARTICLE 6 OF LAW NO. 21,4000, GARCIA, DIGON AND RAVITTI, ORIGINALLY CAME FROM THE PERONIST/CATHOLIC LEFT SECTOR OF THE LABOR MOVEMENT ASSOCIATED WITH THE MAVERICK RAY-MUNDO ONGARO WING OF THE "CGT" AND ALL RE NOW IN THE SO-CALLED [REDACTED]
[REDACTED]

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"MOVIMIENTO SINDICAL PERONISTA" (MSP), WHICH GROUPS TOGETHER SO-CALLED "VERTICALIST" AND "COMBATIVE" PERONIST UNION FACTIONS. GARCIA IS VICE PRESIDENT OF THE ICFTU. DIGON, AS MOST OF THE "COMBATIVES", IS CLOSELY CONNECTED WITH CLAT.

10. COMMENT: THE GOVERNMENT'S ACTION REMOVING THE DETAINEES FROM PEN PRESUMABLY IS A MOVE TO REINFORCE THE IDEA THAT THE GOVERNMENT IS ON UNIMPEACHABLE LEGAL GROUNDS, PROCEEDING AGAINST THE STRIKE ORGANIZERS IN ACCORDANCE WITH ARGENTINE LAW AND JUDICIAL PRACTICE. THIS ACTION TAKES PLACE SHORTLY AFTER THE GOA PROTESTED A STATE DEPARTMENT EXPRESSION OF CONCERN OVER THE PEN DETENTIONS, WHICH THE GOA FORMALLY PROTESTED AS AN UNDUE INTROMISSION IN INTERNAL ARGENTINE AFFAIRS (SEPTTEL); AND ON THE EVE OF THE ICFTU EXECUTIVE BOARD MEETING WHICH REPORTEDLY WILL CONSIDER THE TINE LABOR SITUATION IN CONNECTION WITH THE UPCOMING ILO AGENDA. END COMMENT.
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